

HOUSE BILL 3968

By Winningham

AN ACT to amend Tennessee Code Annotated, Title 49,
Chapter 4, Part 9, relative to postsecondary
financial assistance from net lottery proceeds.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-4-902, is amended by deleting subdivision (19) in its entirety and by substituting instead the following:

(19) "Grade point average" means the numbered grade average calculated using a 4.0 scale as reported by the high school;

SECTION 2. Tennessee Code Annotated, Section 49-4-902, is further amended by deleting subdivision (21) in its entirety and by substituting instead the following:

(21) "Junior" means a junior as determined under the institutional policy of the eligible postsecondary institution that the student is attending;

SECTION 3. Tennessee Code Annotated, Section 49-4-902, is further amended by deleting subdivision (22) in its entirety and substituting instead the following:

(22) "Nontraditional student" means a student who is at least twenty-three (23) years of age, who has not previously been a recipient of a Tennessee HOPE scholarship or a Tennessee free community college scholarship and who enrolls in an eligible postsecondary institution:

(A) As an entering freshman; or

(B) At least two (2) years after last attending any eligible postsecondary institution or a regionally accredited postsecondary institution located outside of Tennessee;

SECTION 4. Tennessee Code Annotated, Section 49-4-902, is further amended by adding the following as new, appropriately designated subdivisions:

() "Academic requirement" means a requirement of a specified grade point average, ACT or SAT score or cumulative grade point average that determines eligibility for postsecondary financial assistance from net lottery proceeds;

() "Cumulative grade point average" means the cumulative grade point average reported to the corporation by the postsecondary institution at which the student last received the scholarship, as calculated by the institution to be consistent with the institution's policy;

() "Nonacademic requirement" means any scholarship eligibility requirement other than an academic requirement;

() "Partial Tennessee HOPE scholarship" or "partial HOPE scholarship" means a scholarship with the same nonacademic requirements as a Tennessee HOPE scholarship that is awarded to recipients of a Tennessee HOPE scholarship who fail to meet the academic requirements for continuation of a Tennessee HOPE scholarship, but who meet a lesser academic standard as specified in this part;

() "Public community college" means an eligible two-year postsecondary institution operated by the Tennessee board of regents that is denoted as a community college or a technical community college;

() "Senior" means a senior as determined under the institutional policy of the eligible postsecondary institution that the student is attending;

() "Tennessee free community college scholarship" means the scholarship that is awarded under § 49-4-938 and is funded from net proceeds of the state lottery;

SECTION 5. Tennessee Code Annotated, Section 49-4-917, is amended by deleting the section in its entirety and by substituting instead the following:

Students who are eligible for the ASPIRE award under § 49-4-915 and the General Assembly Merit Scholar supplemental award under § 49-4-916 may receive both awards.

SECTION 6. Tennessee Code Annotated, Section 49-4-915(a)(2), is amended by deleting the language "thirty-six thousand dollars (\$36,000)" and substituting instead the language "forty-five thousand dollars (\$45,000)".

SECTION 7. Tennessee Code Annotated, Section 49-4-920(a), is amended by deleting subdivision (2) in its entirety and by substituting instead the following:

(2) Meet the requirements of § 49-4-915(a)(2);

SECTION 8. Tennessee Code Annotated, Section 49-4-920(e), is amended by deleting all language in the last sentence of subdivision (1) after the language "for a Tennessee HOPE scholarship and," and by substituting instead the language "if the student meets the requirements of § 49-4-915(a)(2), an ASPIRE award."

SECTION 9. Tennessee Code Annotated, Section 49-4-920(e), is amended by deleting the last sentence of subdivision (2) and by substituting instead the following sentence:

If such student meets the requirements of § 49-4-915(a)(2) at the time at which such student achieves academic eligibility, the student shall be eligible for an ASPIRE award.

SECTION 10. Tennessee Code Annotated, Section 49-4-931(a), is amended by deleting subdivision (3) in its entirety and by substituting instead the following:

(3) Meet the requirements of § 49-4-915(a)(2);

SECTION 11. Tennessee Code Annotated, Section 49-4-906, is amended by deleting the section in its entirety and by substituting instead the following:

Except for the ASPIRE award under § 49-4-915, the Tennessee HOPE access grants under § 49-4-920 and the Tennessee HOPE scholarship for nontraditional students under § 49-4-931, eligibility for scholarships or grants awarded under this part shall not

be restricted or limited by the adjusted gross income attributable to the student.

Students applying for an ASPIRE award, a Tennessee HOPE access grant or a Tennessee HOPE scholarship for nontraditional students shall file a FAFSA with TSAC.

SECTION 12. Tennessee Code Annotated, Title 49, Chapter 4, Part 9, is amended by adding the following language as a new, appropriately designated section:

§ 49-4-9__.

(a) To be eligible for a partial Tennessee HOPE scholarship, a student shall:

(1) Have been a recipient of a Tennessee HOPE scholarship, Tennessee HOPE access grant or a Tennessee HOPE scholarship for nontraditional students;

(2) Continue to meet all nonacademic requirements applicable to such student for receipt of postsecondary financial assistance from net lottery proceeds; and

(3) Achieve a cumulative grade point average of at least 2.5, but less than 2.75, at the end of any academic year at which continuing academic eligibility is reviewed.

(b) Subject to the amounts appropriated by the general assembly and any provision of law relating to a shortfall in funds available for postsecondary assistance from net lottery proceeds, the award for a partial Tennessee HOPE scholarship shall be fifty percent (50%) of the award of the Tennessee HOPE scholarship that is applicable to recipients of Tennessee HOPE scholarships at the institution at which the recipient of the partial HOPE scholarship is enrolled and fifty percent (50%) of the ASPIRE award, if such student is eligible to receive the ASPIRE award.

SECTION 13. Tennessee Code Annotated, Section 49-4-909(a)(5), is amended by deleting the language "for the total number of semester hours that the student has attempted at any postsecondary institution attended".

SECTION 14. Tennessee Code Annotated, Section 49-4-911, is amended by deleting the section in its entirety and by substituting instead the following:

(a) To continue to receive a Tennessee HOPE scholarship, a student at an eligible postsecondary institution shall continue to meet all applicable requirements for the scholarship and shall reapply for the scholarship each academic year. At the end of each academic year, prior to the occurrence of a terminating event under § 49-4-913, the student shall have achieved a cumulative grade point average of at least 2.75 to continue to receive the Tennessee HOPE scholarship.

(b) A student receiving a Tennessee HOPE scholarship who fails to achieve a cumulative grade point average of at least 2.75 at the end of an academic year in which eligibility is reviewed shall be eligible for a partial Tennessee HOPE scholarship, if the student achieves a cumulative grade point average of at least 2.5, but less than 2.75; provided, that the student meets all nonacademic requirements for the scholarship. If such student fails to achieve a cumulative grade point average of 2.5 or more, then such student shall be ineligible for a Tennessee HOPE scholarship or a partial Tennessee HOPE scholarship.

(c) A student, who fails to achieve a cumulative grade point average of at least 2.5 at the end of an academic year, and is, therefore, academically ineligible for both the Tennessee HOPE scholarship and the partial Tennessee HOPE scholarship, may regain the Tennessee HOPE scholarship or may receive or regain, as applicable, the partial Tennessee HOPE scholarship, if the student continues to meet all applicable nonacademic requirements for the scholarships, attends an eligible postsecondary

institution without postsecondary financial assistance from net lottery proceeds, achieves a cumulative grade point average of at least 2.5 at the end of any semester, and reapplies for the scholarship. A student who achieves a cumulative grade point average of at least 2.5, but less than 2.75, at such time shall receive a partial HOPE scholarship. A student who achieves a cumulative grade point average of at least 2.75 at such time shall receive the Tennessee HOPE scholarship. After regaining a Tennessee HOPE scholarship or partial Tennessee HOPE scholarship, a student's continuing eligibility shall be reviewed according to subsections (a) and (b). A student who regains a scholarship and then loses postsecondary financial assistance from net lottery proceeds a second time, by failing to achieve a cumulative grade point average of at least 2.5 at the end of a subsequent academic year in which academic qualifications are reviewed, may not regain either scholarship. No retroactive award of a Tennessee HOPE scholarship or a partial Tennessee HOPE scholarship shall be made under this subsection (b) for any academic year in which a student was attempting to regain a scholarship.

(d) If a student receiving postsecondary financial assistance from net lottery proceeds ceases to be eligible for such assistance for any nonacademic reason, then the student shall not be eligible at any future time for postsecondary financial assistance from net lottery proceeds.

SECTION 15. Tennessee Code Annotated, Section 49-4-916(c), is amended by deleting the punctuation "." at the end of the subsection and by substituting instead the following language:

, except that a student who becomes academically eligible for only a partial Tennessee HOPE scholarship shall not be eligible for a General Assembly Merit Scholarship thereafter.

SECTION 16. Tennessee Code Annotated, Section 49-4-916(e), is amended by deleting the first sentence of the subsection and by substituting instead the sentence:

If a student receiving a General Assembly Merit Scholarship ceases to be academically eligible for the General Assembly Merit Scholarship, by failing to maintain the required cumulative grade point average for a Tennessee HOPE scholarship at the end of any academic year in which academic eligibility is reviewed under § 49-4-911, then the student may regain the Tennessee HOPE scholarship award or receive a partial Tennessee HOPE scholarship under § 49-4-911, but may not regain the General Assembly Merit Scholar supplemental award.

SECTION 17. Tennessee Code Annotated, Section 49-4-920(b), is amended by deleting the first sentence of subdivision (1) and by substituting instead the following:

A Tennessee HOPE access grant shall be awarded to an eligible student only until the end of the semester in which the student has completed the first full-time equivalent academic year.

SECTION 18. Tennessee Code Annotated, Section 49-4-920(e), is amended by deleting the subsection in its entirety and by substituting instead the following:

(e)

(1) TSAC shall review a student's eligibility at the end of the first full-time equivalent year of enrollment. If a student receiving a Tennessee HOPE access grant has achieved a cumulative grade point average of at least 2.75 at the end of the first full-time equivalent year of enrollment, then the student shall be eligible for a Tennessee HOPE scholarship. If a student receiving a Tennessee HOPE access grant has achieved a cumulative grade point average of at least 2.5, but less than 2.75, at the end of the first full-time equivalent year of enrollment, then the student shall be eligible for a partial Tennessee HOPE

scholarship. If the student meets the requirements of § 49-4-915(a)(2), the student shall be eligible for an ASPIRE award, as determined for the scholarship received.

(2) If a student receiving a Tennessee HOPE access grant does not achieve a cumulative grade point average of at least 2.5 at the end of the first full-time equivalent year of enrollment, but the student, without financial assistance from lottery proceeds, continues to attend an eligible postsecondary institution and achieves the cumulative grade point average required under § 49-4-911 for either a Tennessee HOPE scholarship or a partial Tennessee HOPE scholarship, then the student shall be eligible for a Tennessee HOPE scholarship or a partial Tennessee HOPE scholarship, if the student meets all applicable nonacademic requirements. If, at such time, the student meets the requirements of § 49-4-915(a)(2), the student shall be eligible for an ASPIRE award, as determined for the scholarship received.

SECTION 19. Tennessee Code Annotated, Section 49-4-920(f), is amended by deleting subdivisions (1), (2) and (3) in their entireties and by substituting instead the following:

- (1) The student has earned a baccalaureate degree; or
- (2) The student has been enrolled at any postsecondary institution for five (5) full-time equivalent years.

SECTION 20. Tennessee Code Annotated, Section 49-4-929, is amended by deleting subsections (c), (d) and (e) in their entireties and by substituting instead the following:

(c) If the student transfers to an eligible postsecondary institution, then the student shall have a cumulative grade point average of at least 2.75 at the time of transfer to be eligible academically for the Tennessee HOPE scholarship. Such student shall not be eligible to receive a partial Tennessee HOPE scholarship at the time of

transfer to an eligible postsecondary institution.

(d) To continue to receive a Tennessee HOPE scholarship or to receive a partial Tennessee HOPE scholarship, such student shall meet the requirements of § 49-4-911. A HOPE scholarship awarded under this section shall be subject to § 49-4-913.

(e) A student who is eligible for a Tennessee HOPE scholarship under this section, and who also meets the qualifications for a General Assembly Merit Scholar supplemental award, shall be eligible for such supplemental award. A student who meets the requirements of § 49-4-915(a)(2) shall be eligible for an ASPIRE award. Pursuant to § 49-4-917, a student may receive both the ASPIRE award for need and the supplemental award as a General Assembly Merit scholar.

SECTION 21. Tennessee Code Annotated, Section 49-4-930, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) Semester hours attempted under a dual enrollment grant shall not count, under § 49-4-913, toward the limitation on the receipt of a Tennessee HOPE scholarship.

SECTION 22. Tennessee Code Annotated, Section 49-4-931(a), is amended by deleting subdivision (4) in its entirety and by substituting instead the following:

(4) Attend an eligible postsecondary institution and attempt at least twelve (12) semester hours;

SECTION 23. Tennessee Code Annotated, Section 49-4-931, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b)

(1) A nontraditional student shall be eligible for a Tennessee HOPE scholarship at the end of the semester in which the student has attempted twelve (12) semester hours, if the student has a cumulative grade point average of at

least 2.75, or a partial Tennessee HOPE scholarship, if the student has a cumulative grade point average of at least 2.5. A nontraditional student who does not achieve a cumulative grade point average of at least 2.5 at the end of the semester in which the student has attempted twelve (12) semester hours shall be eligible for a Tennessee HOPE scholarship or a partial Tennessee HOPE scholarship, if the student achieves the cumulative grade point average required under § 49-4-911 for the Tennessee HOPE scholarship or the partial Tennessee HOPE scholarship at the end of any subsequent semester. After receiving a Tennessee HOPE scholarship or a partial Tennessee HOPE scholarship, such student's continuing academic eligibility for such scholarship shall be reviewed at the times required by § 49-4-911.

(2) Notwithstanding the provisions of subdivision (b)(1) to the contrary, a nontraditional student who is enrolled in a public community college and who becomes academically eligible for a Tennessee HOPE scholarship or a partial Tennessee HOPE scholarship shall be awarded the Tennessee free community college scholarship in lieu of a Tennessee HOPE scholarship or a partial Tennessee HOPE scholarship.

SECTION 24. Tennessee Code Annotated, Section 49-4-913, is amended by deleting the section in its entirety and by substituting instead the following:

Except as set forth in § 49-4-919, a student may receive a Tennessee HOPE scholarship until the first of the following events:

- (1) The student has earned a baccalaureate degree; or
- (2) The student has been enrolled at any postsecondary institution for five (5) full-time equivalent years.

SECTION 25. Tennessee Code Annotated, Section 49-4-919(a), is amended by

deleting subdivisions (1), (2) and (3) in their entireties and by substituting instead the following:

(1) The student has earned a baccalaureate degree; or

(2) The student has been enrolled at any postsecondary institution for five (5) full-time equivalent years.

SECTION 26. Tennessee Code Annotated, Section 49-4-937(c), is amended by deleting the subsection in its entirety and by substituting instead the following:

(c) Enrollment at a Tennessee technology center by a student working towards a diploma before receiving a Tennessee HOPE scholarship, General Assembly Merit Scholarship, or Tennessee HOPE access grant under this section shall not count under § 49-4-913 or § 49-4-920 towards the limitation on receipt on a Tennessee HOPE scholarship, General Assembly Merit Scholarship, or Tennessee HOPE access grant.

SECTION 27. Tennessee Code Annotated, Section 49-4-912(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b) Tennessee HOPE scholarship students may enroll as full-time students or part-time students at an eligible postsecondary institution. A student who enrolls as a full-time student at the beginning of a semester may drop to part-time status one (1) time; provided, that continuous enrollment is maintained in that semester. TSAC shall promulgate rules and regulations for attendance as a part-time student and payment of awards to part-time students. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 28. Tennessee Code Annotated, Section 49-4-930, is amended by adding the following language at the end of subsection (b):

A student may receive a dual enrollment grant for no more than six (6) courses. Such courses shall be taken during the junior and senior years of high school.

SECTION 29. Tennessee Code Annotated, Section 49-4-931(a), is further amended by deleting subdivision (6) and substituting instead the following:

(6) Maintain continuous enrollment at the eligible postsecondary institution attended after entering such institution as a nontraditional student; and

SECTION 30. Tennessee Code Annotated, Section 49-4-931, is further amended by deleting subsection (c) in its entirety and substituting instead the following sentence:

(c)

(1) To continue to receive a Tennessee HOPE scholarship or to receive a partial Tennessee HOPE scholarship, such student shall meet the requirements of § 49-4-911, except that only semester hours attempted after enrollment as a nontraditional student shall be used in computing the cumulative grade point average to determine whether a student continues to be eligible to receive a scholarship.

(2) A HOPE scholarship awarded under this section shall be subject to § 49-4-913, except that only enrollment as a nontraditional student shall be used in determining whether a student continues to be eligible to receive a scholarship.

SECTION 31. Tennessee Code Annotated, Section 49-4-936, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) To be eligible for a Tennessee HOPE teacher's scholarship, a teacher shall:

(1) Be a licensed Tennessee teacher teaching in a Tennessee public school system or a Tennessee private school;

(2) Not be ineligible for the scholarship under § 49-4-904;

(3) Meet the requirements of § 49-4-905(a). Section § 49-4-905(b) shall not apply to teachers seeking Tennessee HOPE teacher's scholarships;

(4) Be admitted to and attend an eligible postsecondary institution seeking an advanced degree in mathematics or a science, or certification to teach mathematics or a science;

(5) Maintain satisfactory progress in the teacher's program of study;

(6)

(A) Agree to teach mathematics or a science in a Tennessee public school system two (2) academic years for each year of funding provided by a Tennessee HOPE teacher's scholarship. This subdivision (a)(6)(A) shall apply to licensed Tennessee teachers who qualify for the Tennessee HOPE teacher's scholarship as teachers in a Tennessee public school system and to licensed Tennessee teachers who qualify for the Tennessee HOPE teacher's scholarship as teachers in a Tennessee private school, but who agree to fulfill their teaching obligation in a Tennessee public school system; or

(B) Agree to teach mathematics or a science in a Tennessee private school two (2) academic years for each year of funding provided by a Tennessee HOPE teacher's scholarship and to participate as required by TSAC and the department of education in a LEA assistance program. This subdivision (a)(6)(B) shall only apply to teachers who qualify for the Tennessee HOPE teacher's scholarship as licensed Tennessee teachers teaching in Tennessee private schools and who choose to fulfill their teaching obligation in a Tennessee private school;

(7) Sign a promissory note that stipulates the cash repayment obligation incurred if the required teaching or participation service is not fulfilled. If a teacher fails to teach mathematics or a science in a Tennessee school for the

number of years required to fulfill the teacher's obligation or fails to complete the amount of participation service required to fulfill the teacher's obligation pursuant to the award of a Tennessee HOPE teacher's scholarship, then all funds obtained from the award of the scholarship shall be repaid; provided, however, that no repayment shall be due, if TSAC finds that it is impossible for the teacher to fulfill the teacher's obligation because of the death or permanent disability of the teacher; and

(8) Apply for a Tennessee HOPE teacher's scholarship.

SECTION 32. Tennessee Code Annotated, Section 49-4-936, is amended by inserting the following language as new subsections (e) and (f) and by redesignating the subsequent subsection accordingly:

(e) As used in this section, unless the context otherwise requires, "private school" means a school as defined in § 49-6-3001(c)(3)(A)(i) or (iii).

(f)

(1) The department of education shall establish guidelines for LEA assistance programs that include the types of activities, such as tutoring of public school students, mentoring public school teachers and assisting in professional staff development in public schools, through which licensed private school teachers may satisfy the requirements of subdivision (a)(6)(B). LEAs may establish assistance programs that conform to such guidelines. The department of education, with TSAC's approval, shall set the requirements for the length of time that such activities shall be performed in order for such teachers to fulfill their obligation to participate in LEA assistance programs.

(2) TSAC is authorized to promulgate rules and regulations to establish methods for documenting participation in LEA assistance programs and to

otherwise effectuate the purposes of this section. All such rules and regulations shall be promulgated in accordance with title 4, chapter 5.

SECTION 33. Tennessee Code Annotated, Title 49, Chapter 4, Part 9, is amended by adding the following language as a new, appropriately designated section:

§ 49-4-9__.

(a) Notwithstanding any other provision of this part to the contrary, a student who as an entering freshman meets all nonacademic requirements for a Tennessee HOPE scholarship, but the student does not meet the requirements of § 49-4-907(3) or § 49-4-908(2), as applicable to the method by which the student completed high school, shall be eligible for a Tennessee HOPE scholarship at the end of any academic year at which the student achieves a cumulative grade point average of at least 2.75 and the student meets all applicable nonacademic requirements for the scholarship.

(b) No retroactive award of a Tennessee HOPE scholarship shall be made under this section.

SECTION 34. Tennessee Code Annotated, Section 49-4-914, is amended by adding the following as a new, appropriately designated subsection:

() Subject to the amounts appropriated by the general assembly and any provision of law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of the state lottery, recipients of Tennessee HOPE scholarships who maintain a cumulative grade point average of at least 2.75 at the end of every semester shall receive a bonus award of five hundred dollars (\$500) per academic year after being classified as a junior. If, while classified as a junior or senior, such student continues to maintain a cumulative grade point average of at least 2.75 at

the end of each semester, then the student shall continue to be eligible for the bonus award.

SECTION 35. Tennessee Code Annotated, Title 49, Chapter 4, Part 9, is amended by adding the following as a new section:

§ 49-4-938.

(a) This section shall be known and may be cited as the "Tennessee Education Lottery Scholarship Free Community College Program".

(b) To be eligible for a Tennessee free community college scholarship as an entering freshman, a student shall:

(1) Meet the requirements of §§ 49-4-904 and 49-4-905;

(2) Be admitted to and enroll in an eligible Tennessee public community college no later than sixteen (16) months after graduation from high school; and

(3)

(A)

(i) Attain an ACT composite score of at least 19;

(ii) Attain an ACT English score of at least 19; and

(ii) Attain an ACT mathematics score of at least 19;

or

(B) Be eligible for the receipt of a Tennessee HOPE scholarship.

(c) To remain eligible to receive the scholarship, a student shall continue to meet all applicable requirements for the scholarship and shall reapply as required for Tennessee HOPE scholarships. At any time continuing academic eligibility is checked under § 49-4-911, a student receiving the Tennessee free

community college scholarship shall achieve a cumulative grade point average of at least 2.5.

(d) A student may receive a Tennessee free community college scholarship until the first of the following events:

(1) The student has earned an associate degree; or

(2) The student has received the scholarship for two and one-half (2½) full-time equivalent years.

(e) Subject to the amounts appropriated by the general assembly and any provision of law relating to a shortfall in funds available for postsecondary financial assistance from the net proceeds of the state lottery, a Tennessee free community college scholarship shall cover the cost of maintenance fees and other mandatory fees.

(f)

(1) Except as provided in subdivision (f)(2), the award of a Tennessee free community college scholarship shall be in lieu of any Tennessee HOPE scholarship for which the student would otherwise be eligible.

(2) A student, who receives an associate degree under this program and achieves the cumulative grade point average required under § 49-4-911 for continuation of a Tennessee HOPE scholarship or a partial Tennessee HOPE scholarship at the end of the semester in which the student receives the associate degree, may apply for a Tennessee HOPE scholarship or a partial Tennessee HOPE scholarship to attend an eligible four-year postsecondary institution seeking a baccalaureate degree. Such student shall meet all applicable general requirements for the

Tennessee HOPE scholarship or partial Tennessee HOPE scholarship and shall apply for the Tennessee HOPE scholarship or partial Tennessee HOPE scholarship and be admitted to and enroll in an eligible four-year postsecondary institution within one (1) year of receiving an associate degree.

(g) TSAC shall promulgate rules and regulations as necessary for implementation of this program. All such rules and regulations shall be promulgated in accordance with title 4, chapter 5.

SECTION 36. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

SECTION 37. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 38. This act shall take effect July 1, 2008, the public welfare requiring it, and shall apply to students seeking postsecondary financial assistance from net lottery proceeds for the 2008-2009 academic year and academic years thereafter.